



# Working with Interpreters and the Limited English Proficient (LEP) Community

## *A Guide for Attorneys and Law Enforcement*

### **I have a client/witness/suspect who is hearing impaired or does not speak English. How should I proceed?**

**Ensure that the court is aware of the need for an interpreter well in advance of any court appearance.** Attorneys, clerks, and law enforcement “shall notify the court as soon as the need for an interpreter is identified.” Ark. Code Ann. § 16-10-1104(c). Arkansas judges are required both by statute and court rule to “appoint a qualified interpreter to assist a person with limited English proficiency in a court proceeding.” Ark. Code Ann. 16-10-1101 et seq.

### **What is the role of a court interpreter?**

The role of the court interpreter is to serve as a conduit in legal environments between English-speaking officials and individuals who, either because of linguistic ability or physical impairment, are limited English proficient (LEP). Interpreters play a critical role in the administration of justice and make it possible to ensure the rights of due process and participation in the court system for all those involved. The duty of the interpreter is to place the LEP individual, as closely as linguistically possible, in the same situation as an English speaker. In doing so, the interpreter does not give any advantage or disadvantage to the LEP party.

The Administrative Office of the Courts maintains a registry of certified interpreters available for contracting by legal authorities. Certification requires intensive training, study, and testing in legal terms, ethics, and the various modes of interpretation. **Being bilingual does not qualify a person to interpret. Children, relatives and friends should never be used to interpret in court. Likewise, judges, attorneys and court personnel should not function as interpreters in court.**

### **Working with an interpreter**

- **Speak directly to the party or witness, not to the interpreter.** Do not ask the interpreter to explain or restate anything said by the party. Always direct the interpreter to interpret exactly what is said in the **first person**. (NOT: “He says that...”)
- Speak **loudly and clearly** and allow only one person to speak at a time.
- Ensure that the interpreter always refers to him or herself in the **third person** for the official record.
- Prior to initiating communication, you or an associated employee should introduce yourself to the limited English proficient (LEP) individual, via the interpreter, to allow the interpreter to **assess accents, dialect, or pronunciation differences**.
- Allow the interpreter to view pertinent documents prior to the proceedings to become familiar with names, parties and technical vocabulary.
- The interpreter must convey all questions, answers and dialogue. Therefore, the interpreter is constantly working. Advise the interpreter to notify you when breaks are needed.
- In order to conserve impartiality and confidentiality, the interpreter should not be asked to be alone with a defendant. Whenever possible, the interpreter will exit the room when the attorney exits the room.
- Some cases may require the use of two or more interpreters due to length or logistics. Certain situations require the use of an additional interpreter, who is deaf, to work in cooperation with the sign language interpreter to ensure accurate communication.
- An interpreter can work for either side or both sides of a case. The only prohibition is that an interpreter cannot be a witness in the same case in which he or she is interpreting.

## When can an LEP individual use family members or friends to interpret?

LEP individuals will often bring English-speaking friends or family along to assist them. Given their lack of training and lack of impartiality, family or friends should never be used to interpret in court or when dealing with specific details of the LEP individual's case. That said, you may allow them to interpret in very limited circumstances outside of the courtroom where the level of vocabulary and complexity of information is very low (e.g., the LEP individual is seeking to submit completed documents or get logistical details for his or her proceeding).

## Tips for communication with LEP individuals

Remember that you should *always* use a certified interpreter when conveying any sensitive information regarding an LEP individual's case. However, in some cases you may find yourself needing to convey simple logistical information or responding to basic informational queries. If the LEP individual has not brought a friend or family member to interpret, follow these useful tips:

### *Foreign Language Speakers*

- Speak slowly and clearly, using simple English and avoiding colloquialisms. Say "yes" and "no" rather than "uh-huh" or "yeah".
- Do not raise your voice. Increasing your volume does not improve comprehension and can be confusing to the LEP person.
- Avoid contractions. The difference between "can" and "can't" can be especially difficult for non-native English speakers.
- Ask open-ended questions to check comprehension. Remember that many LEP persons will nod in assent or answer yes or no questions even without actually understanding the conversation.
- Use body language. Look directly at the individual, speak expressively, and utilize gestures.
- Use universally understood symbols or pictures. For example, if you are discussing a date, point to time on a clock or use a calendar. If you are discussing a location, use a map and draw directions.
- Be sensitive to cultural differences. Some cultures have very different standards regarding eye contact, personal space, hygiene, and physical contact.

### *Deaf, Deaf/Blind, and Hearing-Impaired*

- Do not assume English literacy. The native language of most deaf individuals is sign language, not English. The average English reading level of the deaf in the US is just under that of a third-grader. This is not a measure of intelligence, merely of capability in a language that, for many deaf people, is foreign.
- Do not assume ability to lip-read.
- Use body language. Look directly at the individual, speak expressively, and utilize gestures.

## Resources

While AOC Court Interpreter Services only provides interpreters for in-court proceedings and directly related actions, the interpreters listed on the AOC registry are available to be contracted by any other authorities. Should an interpreter be needed by attorneys, law enforcement, mental health professionals, or any other court-affiliated authorities, the registry can be found by visiting the Court Interpreter Services website or by directly contacting our office. Court Interpreter Services can also provide assistance in locating and contracting deaf/blind interpreters, interpreters for rare languages, or other specialized interpreting services.

If you are unable to determine the language of the LEP individual, Court Interpreter Services has developed a language identification card that allows the individual to choose his/her language from 38 listed languages. Given that Spanish is the most common foreign language in Arkansas, Court Interpreter Services has developed a glossary of English to Spanish translations of important court locations or building notices to assist you in translating office signage. All resources are available on the CIS website.

To schedule an interpreter or for further questions:

### **Court Interpreter Services**

#### **Administrative Office of the Courts**

**625 Marshall St.**

**Little Rock, AR 72201**

**Phone: 501-682-9400**

<http://courts.arkansas.gov/administration/interpreters>